

# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED)

03MAY17

COMMUNICATION OF A THREAT (II)

CONTROL: 02DEC16-MWTN-0280-7CMA/C

(b)(6), (b)(7)(C)

COMMAND/HEADQUARTERS BATTALION, MCAGCC TWENTYNINE PALMS, CA/35010

MADE AT/MWTN/RESIDENT AGENCY TWENTYNINE PALMS (b)(6), (b)(7)(C) SPECIAL AGENT

## REFERENCE(S)

- (A) NCISRA Twentynine Palms, CA ROI (INTERIM) (Contains Exhibits 1 Through 4)/31JAN17
- (B) NCISRA Twentynine Palms, CA ROI (INTERIM) (Contains Exhibits 5 Through 10)/21MAR17

## EXHIBIT(S)

- (11) IA: RECEIPT OF UNIT PUNISHMENT BOOK RELEVANT TO (b)(6), (b)(7)(C) 03MAY17

## EXECUTIVE SUMMARY

1. On 01Dec16, NCISRA Twentynine Palms, CA was notified by Capt (b)(6), (b)(7)(C) USMC, Victim's Legal Counsel, MCAGCC Twentynine Palms, CA, of an on-going command investigation relevant to (b)(6), (b)(7)(C) regarding adultery, domestic abuse, and communication of threats. Capt (b)(6), (b)(7)(C) stated it was recently revealed (b)(6), (b)(7)(C) threatened the life of (b)(6), (b)(7)(C). A review of the command investigation detailed (b)(6), (b)(7)(C) reported she was physically abused by (b)(6), (b)(7)(C) on numerous occasions. Additionally, (b)(6), (b)(7)(C) reported to command investigators (b)(6), (b)(7)(C) threatened her life if she reported him to command authorities. Additionally, command issued a Military Protective Order (MPO) on (b)(6), (b)(7)(C) during the course of their command investigation. Database inquiries relevant to (b)(6), (b)(7)(C) revealed no derogatory information. A service record review relevant to (b)(6), (b)(7)(C) revealed a (b)(6), (b)(7)(C)

Database inquiries relevant to (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) was interviewed and detailed incidents of domestic violence, a death threat, and infidelity she experienced during her marriage to (b)(6), (b)(7)(C). On 21Mar17, (b)(6), (b)(7)(C) was interviewed, subsequent to waiving his Article 31(b) warning rights and denied ever physically assaulting or threatening (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) was processed for fingerprints and intake photographs submitted to NCISHQ. On 05Apr17, (b)(6), (b)(7)(C) accepted Non-Judicial Punishment (NJP) convened by BGen (b)(6), (b)(7)(C) USMC, Commanding General, MCAGCC Twentynine Palms, CA, for having violated one count of Article 134 of the Uniform Code of Military Justice (Adultery). (b)(6), (b)(7)(C) was awarded forfeiture of \$2,193.00 pay for two (2) months and a reprimand. Command related no action would be taken against (b)(6), (b)(7)(C) relevant to the allegations of domestic assault or communication of a threat. 1stLt (b)(6), (b)(7)(C) USMC, Trial COUNSEL, USMC, MCAGCC Twentynine Palms, CA, Col (b)(6), (b)(7)(C) USMC, Commanding Officer, Marine Corps

## WARNING

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 02DEC16-MWTN-0280-7CMA/C

03May17

Logistics Operations Group, MCAGCC Twentynine Palms, CA, Capt (b)(6), (b)(7)(C) SMC, Victim's Legal Counsel, MCAGCC Twentynine Palms, CA, and (b)(6), (b)(7)(C) were apprised of the captioned investigation. This investigation is closed.

## NARRATIVE

1. This reactive investigation was initiated pursuant to the suspected violations of 134 (Communicating a Threat) of the Uniform Code of Military Justice (UCMJ).

2. References (A) and (B) detail investigative activity to date. On 05Apr17, (b)(6), (b)(7)(C) accepted Non-Judicial Punishment (NJP) convened by BGen (b)(6), (b)(7)(C) USMC, Commanding General, MCAGCC Twentynine Palms, CA, for having violated one count of Article 134 of the Uniform Code of Military Justice (Adultery). (b)(6), (b)(7)(C) was awarded forfeiture of \$2,193.00 pay for two (2) months and a reprimand. Command related no action would be taken against (b)(6), (b)(7)(C) relevant to the allegations of domestic assault or communication of a threat, Exhibit (11) pertains.

3. On 03May17, (b)(6), (b)(7)(C) R-84 card was submitted to Assistant Director, Criminal Justice Information Services-Federal Bureau of Investigation, PO BOX 4142, Clarksburg, WV 26302-9922 via LiveScan.

4. Col (b)(6), (b)(7)(C) USMC, Commanding Officer, Marine Corps Logistics Operations Group, MCAGCC Twentynine Palms, CA, Capt (b)(6), (b)(7)(C) USMC, Victim's Legal Counsel, MCAGCC Twentynine Palms, CA, and (b)(6), (b)(7)(C) were notified of the status of the captioned investigation. This investigation is closed.

## DISTRIBUTION

NCISHQ:23B2

INFO :MWFO/LSST (b)(6), (b)(7)(C) USMC.Mil) (E)/MCLOG CO  
(b)(6), (b)(7)(C) USMC.Mil) (E)/MCAGCC SJA  
(b)(6), (b)(7)(C) @USMC.Mil) (E)

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED)

13APR17

RAPE (II)

CONTROL: 08FEB10-MWTN-0016-8FMA/C

(b)(6), (b)(7)(C)

COMMAND/MWSS-374/00173

MADE AT/MWTN/RESIDENT AGENCY TWENTYNINE PALMS

(b)(6), (b)(7)(C)

SPECIAL AGENT

## REFERENCE(S)

- (A) NCISRA TWENTYNINE PALMS, CA ROI (CLOSED)/03NOV10
- (B) NCISRA TWENTYNINE PALMS, CA ROI (REOPEN)/12APR17

## EXHIBIT(S)

- (21) IA: RECEIPT OF U.S. ARMY CRIMINAL INVESTIGATION LABORATORY  
MEMO - CODIS MATCH/13APR17
- (22) IA: RESULTS OF CONTACT WITH (b)(6), (b)(7)(C) 13APR17

## EXECUTIVE SUMMARY

1. This investigation was reopened after the United States Army Criminal Investigation Laboratory (USACIL), Fort Gillem, GA, provided documentation reflecting a positive Deoxyribonucleic acid (DNA) confirmation on a previously unsolved NCIS investigation, Reference (A). A review of the documentation identified (b)(6), (b)(7)(C), CIV as the originator of the previously unknown DNA sample obtained from (b)(6), (b)(7)(C) Sexual Assault kit during the conduct of Reference (A). A review of Reference (A) was conducted and revealed two days prior to the sexual assault (b)(6), (b)(7)(C) had consensual sexual intercourse with (b)(6), (b)(7)(C) (NFI). (b)(6), (b)(7)(C) reported she was sexually assaulted by (b)(6), (b)(7)(C) within a hotel room located within Palm Springs, CA. A forensic analysis of (b)(6), (b)(7)(C) Sexual Assault kit failed to identify the presence (b)(6), (b)(7)(C) DNA; however, the analysis led to the identification of an unknown male DNA profile. (b)(6), (b)(7)(C) went before an Article 32 hearing and the Investigation Officer elected not to refer the case for trial. Contact was made with (b)(6), (b)(7)(C) who identified (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) CIV as the originator of the DNA sample collected from her Sexual Assault kit. (b)(6), (b)(7)(C) related she had consensual sexual intercourse with (b)(6), (b)(7)(C) two days prior to being sexually assaulted by (b)(6), (b)(7)(C) denied being sexually assaulted by (b)(6), (b)(7)(C) As (b)(6), (b)(7)(C) has disclosed no crime occurred, this investigation is closed.

## NARRATIVE

1. This reactive investigation was initiated pursuant to the suspected violation of Article 120 (Rape, Sexual Assault, and other Misconduct) of the Uniform Code of Military Justice and California Penal Code Section 260 (Rape).

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 08FEB10-MWTN-0016-8FMA/C

13Apr17

2. This investigation was reopened on 12Apr17, after the United States Army Criminal Investigation Laboratory (USACIL), Fort Gillem, GA, provided documentation reflecting a positive Deoxyribonucleic acid (DNA) confirmation on this unsolved NCIS investigation, Reference (A). A review of the documentation revealed a previously unknown DNA profile associated with this case was positively identified as (b)(6), (b)(7)(C) on 23Feb17; Exhibit (1) pertains.

3. On 12Apr17, (b)(6), (b)(7)(C) was interviewed and related she knew the identity of the contributor to the unknown sample of DNA recovered from her Sexual Assault kit. (b)(6), (b)(7)(C) identified (b)(6), (b)(7)(C) as the individual whose DNA was recovered. (b)(6), (b)(7)(C) stated she had consensual sexual intercourse with (b)(6), (b)(7)(C) two days prior to being raped; Exhibit (2) pertains.

4. As no crime was committed relevant to the captioned investigation, this investigation is closed. Should (b)(6), (b)(7)(C) provide additional information revealing the conduct of a crime, this investigation will be re-opened.

5. On 13Apr17, Deputy District Attorney (b)(6), (b)(7)(C), San Bernardino County District Attorney's Office, Joshua Tree, CA, was apprised of the status of the captioned investigation.

DISTRIBUTION

NCISHQ:0023/023B

INFO :002P/MWFO

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